



6560-50

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2012-0886; FRL-9778-4]

Revisions to the California State Implementation Plan, Antelope
Valley Air Quality Management District and
Monterey Bay Unified and Santa Barbara County Air Pollution
Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) and Monterey Bay Unified Air Pollution Control District (MBUAPCD) and Santa Barbara County Air Pollution Control District (SBCAPCD) portions of the California State Implementation Plan (SIP).

Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving local rules that address emission statements for AVAQMD, rule rescissions that addresses public records for MBUAPCD, and define terms for SBCAPCD.

DATES: This rule is effective on [Insert date 60 days from the date of publication in the Federal Register] without further notice, unless EPA receives adverse comments by [Insert date 30 days from the date of publication in the Federal Register]. If

we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA-R09-OAR-2012-0886, by one of the following methods:

1. Federal eRulemaking Portal: www.regulations.gov. Follow the on-line instructions.
2. E-mail: steckel.andrew@epa.gov.
3. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: All comments will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through www.regulations.gov or e-mail.

www.regulations.gov is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your

comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at www.regulations.gov and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California.

While all documents in the docket are listed at www.regulations.gov, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cynthia Allen, EPA Region IX, (415) 947-4120, allen.cynthia@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to EPA.

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I. The State's Submittal

- A. What rules did the State submit?

Table 1 lists the rules we are approving and the rules we are rescinding with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

Table 1 - Submitted Rules

Local Agency	Rule #	Rule Title	Adopted	Submitted
AVAQMD	107	Certification of Submissions and Emission Statements	05/15/12	09/21/12
MBUAPCD	900	Inspection of Public Records - Disclosure Policy (rescinded)	04/20/05	07/15/05
MBUAPCD	901	Public Records - Definitions (rescinded)	04/20/05	07/15/05
MBUAPCD	902	Districts Request for Information (rescinded)	04/20/05	07/15/05
MBUAPCD	903	Inspection of Public Records - Disclosure Procedure (rescinded)	04/20/05	07/15/05

Local Agency	Rule #	Rule Title	Adopted	Submitted
MBUAPCD	904	Trade Secrets - Procedure When Inspection is Requested (rescinded)	04/20/05	07/15/05
SBCAPCD	102	Definitions	06/21/12	09/21/12

On August 18, 2005, EPA determined that the submittal for MBUAPCD Rules 900, 901, 902, 903, and 904 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

On October 11, 2012, EPA determined that the submittal for AVAQMD Rule 107 and SBCAPCD Rule 102 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal review.

B. Are there other versions of these rules?

There is no previous version of AVAQMD Rule 107 in the SIP. We approved an earlier version of MBUAPCD Rules 900, 901, 902, 903, and 904 into the SIP on July 13, 1987 (52 FR 26148) and SBCAPCD Rule 102 into the SIP on May 4, 2012 (77 FR 26448).

C. What is the purpose of the submitted rule revisions?

Section 110(a) of the CAA requires states to submit regulations that control volatile organic compounds, oxides of nitrogen, particulate matter, and other air pollutants which harm human health and the environment. These rules were developed as part of the local agency's program to control these pollutants.

Antelope Valley AQMD Rule 107, Certification of Submissions and Emission Statements, requires the owner or operator of a stationary sources emitting VOC or NOX to provide AVAQMD with an annual statement of actual emissions. The emission statement must contain the information described in the California Air Resources Board (CARB) Emission Inventory Guidelines. The statement must also contain a certification signed and dated by a responsible official of the company, which attests that the information contained in the submitted documents are accurate to the best knowledge of the individual certifying the submission. The APCO may waive the emission statement requirement for sources which emit less than 25 tpy if AVAQMD provides CARB with an emission inventory of sources emitting greater than 10 tpy of VOC or NOx using emission factors acceptable to CARB and EPA.

Monterey Bay Unified APCD Rule 900, Inspection of Public Records - Disclosure, Rule 901, Public records - Definitions, Rule 902, Districts Request for Information, Rule 903, Inspection of Public Records - Disclosure Procedure and Rule 904, Trade Secrets - Procedure When Inspection is Requested, are being repealed. These rules are being repealed because the District has updated their Public Records Request Procedures pursuant to changes made to the California Public Records Act.

Santa Barbara County APCD Rule 102, Definitions, is being amended by adding new definitions to terms common to the proposed

amended rules and to improve rule clarity. The District added and modified several solvent-related and surface-coating definitions that are used in various parts of the rulebook. The definition of reactive organic compound was updated to include most of the exempt compounds listed in 40 CFR 50.100(s) and an exempt compound definition was added.

EPA's technical support documents (TSD) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

These rules describe administrative provisions and definitions that support emission controls found in other local agency requirements. In combination with the other requirements, these rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). EPA policy that we used to evaluate enforceability requirements consistently includes the Bluebook ("Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988) and the Little Bluebook ("Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001).

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations.

The TSDs have more information on our evaluation.

C. Public comment and final action.

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this Federal Register, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by [Insert date 30 days from date of publication in the Federal Register], we will publish a timely withdrawal in the Federal Register to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on [Insert date 60 days from date of publication in the Federal Register]. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which

includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [insert date 60 days from date of publication of this document in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's Federal Register, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the

comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 25, 2013

Jared Blumenfeld,
Regional Administrator,
Region IX.

Regulations is amended as follows:

PART 52 APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for Part 52 continues to read as follows:

AUTHORITY: 42 U.S.C. 7401 et seq.

Subpart F - California

2. Section 52.220 is amended by adding paragraphs

(c)(159)(iii)(H), (c)(423)(i)(D), and (c)(423)(i)(E) to read as follows:

§52.220 Identification of plan.

	*	*	*	*	*
(c)	*	*	*		
(159)	*	*	*		
(iii)	*	*	*		

(H) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 900, 901, 902, 903, and 904.

	*	*	*	*	*
(423)	*	*	*		
(i)	*	*	*		

(D) Antelope Valley Air Quality Management District.

(1) Rule 107, "Certification of Submission and Emission Statements," adopted on May 15, 2012.

(E) Santa Barbara County Air Pollution Control District.

(1) Rule 102, "Definitions" amended on June 21, 2012.

[FR Doc. 2013-08255 Filed 04/10/2013 at 8:45 am; Publication
Date: 04/11/2013]